

West Mojave Plan
Implementation Task Group (Group 4)
BLM Desert District office, Riverside, CA
December 16, 1999

Task Group Members Present:

Tricia Aberg, Ileene Anderson, Marie Brashear, Mike Conner, Grant Jensen, Pete Kiriakos, Lowell Landowski, Steve Lilburn, Ramon Mendoza, Art Miller Jr., Mickey Quillman, Bob Sackett, Barbara Veale

Others Present:

Bill Haigh, Project Leader, Larry LaPre, Valerie Pilmer, Ed LaRue, Chuck Bell - West Mojave Plan team;
Alana Knaster, Facilitator Lori Diggins, Assistant; Observer: Dave Oakleaf

Agenda Item #1 Announcements

Bill Haigh announced availability of six West Mojave maps, prepared courtesy of PG&E. He also reported on a recent, high-level meeting of the Departments of Interior and Defense to discuss how proposed expansion of Fort Irwin would interface with the West Mojave Plan and accommodate species covered under the plan. The Draft Evaluation Report covers the "without expansion" scenario. The agencies agreed to convene a scientific panel to determine how expansion could be addressed in the context of conservation strategies. The panel is expected to meet in mid January to address issues related to the desert tortoise. Following these meetings, the agencies will utilize the panel proceedings to help guide future decisions on the implications of the Fort Irwin expansion for the West Mojave Plan and how to proceed.

Agenda Item #2 Steering Committee Decision re Responsibilities of Task Groups #3 and #4

Bill Haigh summarized discussions at the Steering Group meeting regarding division of tasks between Task Groups #3 and #4. The Steering Committee decided to keep the groups separate. Task Group #3 will be responsible for decisions related to writing the plan, including: exemptions, one-stop shopping, scope of coverage, and procedures for carrying out strategies under the plan. Task Group #4 will design the structure for implementing the components of the Plan, including: budget, monitoring/reviewing progress, and other governance issues.

Agenda Item #3 Review of November Meeting Notes

Meeting notes were approved without any changes.

Agenda Item #3 Progressing Task Group Responsibilities

A. Model Structures for Implementing Organizations

Staff provided a hand out summarizing administrative structures used by other HCP and presented examples of their application in other areas. These options could be models for the Task Group's consideration. Four primary structures were presented:

- _ Memorandum of Understanding (MOU) - Clark County and Coachella Valley
- _ Non-profit Corporation (NPC) - Orange County
- _ Joint Powers Agreement (JPA) - Bakersfield
- _ Special District - San Bernardino County

Group members discussed several aspects of administration in the context of the examples presented and other examples cited by members of the group:

- _ Was legislation necessary to implement the models?
- _ Who manages the land bank and is it held in perpetuity?
- _ Does each owner charge an administrative fee?
- _ What has been the conservation success of these plans?

The discussion showed that many plans are administered using a "hybrid" form structure, rather than a pure version of one of the four models presented.

B. Discussion of Administrative Issues

Alana Knaster raised several issues that must be decided in establishing administrative structure:

- _ Who administers the Plan and conservation areas/mitigation bank?
- _ Who makes decisions? Who are players?
- _ Who handles the money?
- _ Who owns the land?
- _ Who pays?

Before considering these questions, she noted, it would be important for the group to review the responsibilities of an Implementing Organization. These include:

- selecting technical staff
- setting priorities for implementing conservation strategies
- reviewing progress and making changes as needed (per adaptive management regime)
- monitoring efficacy of permit system and enforcement efforts
- handling budget
- overseeing administration of mitigation bank (if one is established)
- communication with constituent members and general public

She then asked group members for their thoughts on these questions and on the four models - which do they favor? Members wanted first to know which of the examples cited have been successful, both in terms of administrative success and conservation success and which have shown that the money was well spent?

Group members expressed interest in several of the models including: JPA, existing non-profit corporation, MOU, new non-profit, structure similar to the Secretary of Interior model (Lower Colorado River example). Other members believed that the plan would need to be a hybrid, given the diversity of stakeholders. Members also discussed options for land ownership and who makes decisions. Key issues included:

Land Ownership

Likely will be multiple owners, including private owners

- _ Government should own the land, even if administration is handled by NPC.
- _ Some concern expressed about NPC disposing of land purchased for conservation. Need assurance of continued conservation.

Government can't buy conservation easements, must buy fee ownership. Must be flexible.

- _ Government doesn't appear to be interested in owning land. Mitigation banks and conservation easements may work better.

Provide incentives to private landowners for conservation land management.

Who makes decisions?

- Will agencies retain their local authority?
- Consider interest-based decision making structure. Assign seats to certain interests (e.g. environmental, utilities). Those interests decide on who is their representative.

Decisions should be in the hands of stakeholders, not solely governments

Group members agreed that they wanted to consider further two or three of the models discussed: JPA, MOU, and non-profit corporation. Staff agreed to outline proposals for how these structures could operate and present these proposals at the next meeting. They noted that they hoped to develop two strawman proposals, one of which would be a hybrid. Group members cited several criteria for the structure defined for WMP: not another layer of government, user-friendly, equitable funding and impacts, some local discretion, and revenue generation authority, ensure agency buy-in and stakeholder participation, durable, cost-effective.

Staff also will continue their efforts to obtain information on other HCPs including information on their success in implementing the conservation goals of their plan and the cost of doing business.

Group members were asked to consider the five administration decision issues noted earlier for discussion at the next meeting. Group members should provide their comments or suggestions to staff after they receive the strawman proposal. Alana will propose a due date that will be prior to the meeting so that the responses can be organized for the group to consider. In addition, Staff will ask jurisdiction members for their preference for governing structure.

The next meeting will be held on January 26, at 1:30 p.m. at the Riverside BLM District office.